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**Argentina  
and  
International Criminal Court**

**Agreement between the Argentine Republic and the International Criminal Court on the enforcement of sentences of the International Criminal Court. Buenos Aires, 18 April 2017**

**Entry into force:** *18 April 2017 by signature, in accordance with article 13*

**Authentic text:** *English*

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**Argentine  
et  
Cour pénale internationale**

**Accord entre la République argentine et la Cour pénale internationale sur l'exécution des peines prononcées par la Cour. Buenos Aires, 18 avril 2017**

**Entrée en vigueur :** *18 avril 2017 par signature, conformément à l'article 13*

**Texte authentique :** *anglais*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *Argentine, 23 janvier 2018*

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[ ENGLISH TEXT – TEXTE ANGLAIS ]

AGREEMENT BETWEEN THE ARGENTINE REPUBLIC AND THE INTERNATIONAL  
CRIMINAL COURT ON THE ENFORCEMENT OF SENTENCES OF THE INTERNATIONAL  
CRIMINAL COURT

The International Criminal Court (hereinafter referred to as the “Court”) and  
The Argentine Republic (hereinafter referred to as “Argentina”),

PREAMBLE

RECALLING Article 103(1)(a) of the Rome Statute of the International Criminal Court (hereinafter referred to as “Rome Statute”), adopted on 17 July 1998 by the United Nations Diplomatic Conference of Plenipotentiaries, according to which sentences of imprisonment pronounced by the Court shall be served in a State designated by the Court from a list of States which have indicated their willingness to accept sentenced persons;

RECALLING Rule 200(5) of the Rules of Procedure and Evidence of the Court (hereinafter referred to as “Rule(s)”), according to which the Court may enter into bilateral arrangements with States with a view to establishing a framework for the acceptance of persons sentenced by the Court, consistent with the Rome Statute;

RECALLING the widely accepted international standards governing the treatment of prisoners including the Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) adopted by General Assembly resolution 70/175 of 17 December 2015, the Body of Principles for the Protection of all Persons under any Form of Detention or Imprisonment, adopted by General Assembly resolution 43/173 of 9 December 1988, and the Basic Principles for the Treatment of Prisoners, adopted by General Assembly resolution 45/111 of 14 December 1990;

NOTING the willingness of Argentina to accept persons sentenced by the Court;

IN ORDER to establish a framework describing the conditions under which such sentences will be enforced in Argentina;

HAVE AGREED as follows:

Article 1

*Purpose and scope of the Agreement*

The Agreement shall regulate matters relating to or arising from the enforcement of sentences pronounced by the Court and served in Argentina.

Article 2

*Procedure and information relating to designation*

1. After the sentencing of an accused person by the Trial Chamber, the Presidency of the Court (hereinafter referred to as “Presidency”) shall communicate with Argentina and request Argentina to provide, within 30 calendar days, an indication of its readiness, as a practical matter, to receive a person convicted by the Court.
2. If Argentina indicates its readiness, as a practical matter, to receive a person convicted by the Court, the Presidency shall request Argentina to provide the Court with updated information

regarding its national detention regime, including, *inter alia*, recently promulgated legislation and administrative guidelines.

3. If the Presidency designates Argentina as the State in which the sentenced person shall serve his or her sentence, it shall notify Argentina of its decision. When notifying Argentina of its designation as the State of enforcement, the Presidency shall transmit, *inter alia*, the following information and documents:
  - (a) The name, nationality, date and place of birth of the sentenced person;
  - (b) A copy of the final judgment of conviction and of the sentence imposed;
  - (c) The length and commencement date of the sentence and the time remaining to be served;
  - (d) The date on which the sentenced person is eligible for review concerning the reduction of his or her sentence;
  - (e) With due respect for medical confidentiality, any necessary information concerning the state of the sentenced person's health, including any medical treatment that he or she is receiving.
4. Argentina shall promptly decide upon the Court's designation, in accordance with its national law, and inform the Presidency whether it accepts the designation.

#### Article 3

##### *Transfer of the sentenced person*

1. The sentenced person shall be transferred to Argentina as soon as possible after Argentina accepts the designation.
2. The Registrar of the Court (hereinafter referred to as "Registrar") shall ensure the proper transfer of the sentenced person in consultation with Argentina and the host State.

#### Article 4

##### *Supervision of enforcement of sentence and conditions of imprisonment*

1. The enforcement of a sentence of imprisonment shall be subject to the supervision of the Court and shall be consistent with widely accepted international standards governing the treatment of prisoners.
2. In order to supervise the enforcement of sentences of imprisonment, the Presidency shall:
  - (a) When necessary, request any information, report or expert opinion from Argentina or from any reliable sources;
  - (b) Where appropriate, delegate a judge of the Court or a member of the staff of the Court who will be responsible, after notifying Argentina, for meeting the sentenced person and hearing his or her views, without the presence of national authorities;
  - (c) Where appropriate, give Argentina an opportunity to comment on the views expressed by the sentenced person pursuant to sub-paragraph (b).

3. Communications between a sentenced person and the Court shall be unimpeded and confidential. The Presidency, in consultation with Argentina, shall respect these requirements when establishing appropriate arrangements for the exercise by the sentenced person of his or her right to communicate with the Court about the conditions of imprisonment.
4. The conditions of imprisonment shall be governed by the law of Argentina and shall be consistent with widely accepted international standards governing the treatment of prisoners. In no case shall such conditions be more or less favourable than those available to prisoners convicted of similar offences in Argentina.
5. Argentina shall notify the Court of any circumstances, including the exercise of any conditions agreed under Article 103(1) of the Rome Statute, which could materially affect the terms or extent of the imprisonment. The Court shall be given at least 45 days' notice of any such known or foreseeable circumstances. During this period, Argentina shall take no action that might prejudice its obligations under Article 110 of the Rome Statute.
6. Argentina shall promptly inform the Presidency of any important event concerning the sentenced person.
7. When a sentenced person is eligible for a prison programme or benefit available under the domestic law of Argentina which may entail some activity outside the prison facility, Argentina shall communicate that fact to the Presidency, together with any relevant information or observation, to enable the Court to exercise its supervisory function.
8. Argentina shall allow the inspection of the conditions of imprisonment and treatment of the sentenced person(s) by the International Committee of the Red Cross (hereinafter referred to as "ICRC") at any time and on a periodic basis, the frequency of visits to be determined by the ICRC. After each visit to the enforcement State by the ICRC:
  - (a) The ICRC shall submit a confidential report on its findings together with recommendations, as necessary, to Argentina and to the Presidency.
  - (b) Argentina and the Presidency shall consult each other on the findings of the report. The Presidency shall thereafter request Argentina to report any changes in the conditions of imprisonment as a result of the recommendations by the ICRC.
  - (c) Argentina and the Presidency shall submit a joint response to the ICRC within 30 calendar days of receiving the report. The joint response shall address the findings of the report and detail measures to implement the recommendations of the report by Argentina and the Presidency.

#### Article 5

##### *Appearances before the Court*

If, after transfer of the sentenced person to Argentina, the Court orders that the sentenced person appear before the Court, the sentenced person shall be transferred temporarily to the Court, conditional on his or her return to Argentina within the period decided by the Court. The time spent in the custody of the Court shall be deducted from the term of the overall sentence remaining to be served in Argentina.